

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(227)

CRM-M-32081-2021

Date of Decision : November 22, 2021

Meera Bai and others

.. Petitioners

Versus

State of Punjab and others

.. Respondents

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Shakti Mehta, Advocate, for the petitioners.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Mr. Vipul Sachdeva, Advocate, for respondents No. 2 to 4.

HARSIMRAN SINGH SETHI J. (ORAL)

In the present petition, the prayer of the petitioners is for quashing of FIR No.0022 dated 03.02.2020 registered under Sections 452, 323, 506, 148 and 149 of the IPC at Police Station Patran, District Patiala (Annexure P-1) and all other subsequent proceedings arising therefrom, on the basis of compromise entered into between the parties.

The Coordinate Bench of this Court while issuing notice of motion on 23.08.2021 had passed the following order:-

“In this petition, the Petitioners, who are the accused persons in F.I.R No.0022, dated 03.02.2020, under Sections 452, 323, 506, 148, 149 of the Indian Penal Code, registered at Police Station Patran, District Patiala (Annexure P-1), have prayed for quashing of F.I.R. with all subsequent proceedings arising therefrom, on the basis of compromise.

Ld. Counsel for the Petitioners refers to the Compromise Deed, Annexure P-2, and states that the matter has been amicably settled between the parties.

Notice of motion.

Mr. B.S. Sewak, Addl. Advocate General, Punjab to accept notice on behalf of Respondent No.1/State. A copy of the paper-book be handed over to him.

There is no representation on behalf of Respondents No.2 to 4. Still at own risk of the Petitioners, in view of the Compromise Deed, Annexure P-2, the parties are directed to appear before the Ld. Trial Court/Illaqa Magistrate on 17.09.2021 for getting their statements recorded with regard to the compromise arrived at between them. Ld. Trial Court/Illaqa Magistrate after ensuring their identity as well as the fact that the statements are being made by them voluntarily and without any pressure, shall record the same and will submit its report well before the next date of hearing. The Magistrate shall also report about the veracity of the compromise apart from informing the names and number of the accused involved and whether any of the accused has been declared proclaimed offender in the case.

List on 22.11.2021.”

A report has come from Judicial Magistrate Ist Class, Samana, addressed to the Registrar General of this Court dated 12.11.2021 along with the statements of the accused-petitioners as well as the complainant which have been recorded. As per the said report, the compromise between the parties is bona fide and is not a result of any pressure or coercion on any of the parties to the compromise and none of the accused has been declared as proclaimed offender and no other criminal proceedings are pending against them. The relevant part of the said report is as under:-

“After going through the statements given by complainant, injured persons, accused persons and

investigating officer in the Court, following report as desired by the Hon'ble High Court is submitted:

i) Compromise between the parties is valid and genuine and it is voluntarily effected between the parties with their free consent and without any pressure, threat coercion or undue influence from any quarter;

ii) This main FIR was registered against 10 accused persons namely (1) Meera Bai w/o Jinder Ram, (2) Khazani Devi w/o Piara Ram, (3) Hanso Devi w/o Kala Ram, (4) Deepi @ Rinku Kumar s/o Kala Ram all residents of Bajigar Basti, Dhabbi Gujran, Tehsil Patran, District Patiala, (5) Amrik Singh @ Amrik Ram s/o Phula Ram r/o Chandu, Tehsil Moonak, District Sangrur, (6) Santokh Ram @ Sandokha Ram s/o Sheru Ram r/o Bazigar Patti, Village Makorad, District Sangrur, (7) Rinku Ram s/o Darshan Singh r/o Village Makorad Sahib, District Sangrur, (8) Sukhchain Singh s/o Santokh Ram r/o Ward No.2, Tehsil Moonak, Makorad, District Sangrur, (9) Darshan Singh s/o Sher Ram r/o Ward No.4, Tehsil Moonak, Makorad, District Sangrur and (10) Sukhdev Singh @ Sukhu s/o Darshan Singh r/o Bazegir Patti, Makorad, District Sangrur;

iii) A cross-version in this FIR has also been registered vide DDR No.06 dated 04.02.2020, under sections 341, 323, 506, 148, 149 IPC on the statement of accused Meera Bai w/o Jindar Pal r/o Bajigar Basti, Dhabbi Gujran, PS Patran, District Patiala against six accused persons namely (1) Banso Devi w/o Sikander Ram, (2) Bholi Devi w/o Bhajan Singh @ Bhajna Ram, (3) Bhajan Singh @ Bhajna Ram s/o Sikander Ram, (4) Ashok Kumar s/o Sikander Ram, (5) Asha Devi @ Rani w/o Ashok Kumar and (6) Laxami d/o Bhajan Ram, all residents of Bajigar Basi, Dhabbi Gujran, PS Patran, District Patiala;

(iv) No accused has been declared as proclaimed offender.

This report along with copies of statements of parties

and annexures is submitted as desired by the Hon'ble High Court vide its order dated 23.08.2021.”

Learned counsel for the petitioners submits that the parties have already entered into compromise so as to live peacefully and no useful purpose will be served in keeping the FIR alive.

Learned counsel for the respondent-complainant admits the compromise as well as the statement made before the Judicial Magistrate Ist Class, Samana and does not raise any objection, in case the FIR in question is quashed on the basis of the compromise.

Learned State counsel has also not pointed out any objection in respect of the prayer of the parties for quashing the FIR on the basis of the compromise.

Keeping in view the totality of the circumstances which have been mentioned herein before and that the parties have already entered into compromise to settle their dispute so as to live peacefully and none of the accused is a proclaimed offender and there are no other criminal cases against the accused-petitioners, this Court is inclined to accept the prayer of the petitioners for quashing the FIR on the basis of the compromise.

Thus, the FIR No.0022 dated 03.02.2020 registered under Sections 452, 323, 506, 148 and 149 of the IPC at Police Station Patran, District Patiala (Annexure P-1) and all other subsequent proceedings arising therefrom are quashed qua the petitioners on the basis of compromise entered into between the parties.

The above order, quashing of the FIR, will be subject to the payment of Rs.15000/- as costs, to be deposited with Prabh Aasra (Unit of) u/o Universal Disabled Care Taker Social Welfare Society, (who are maintaining Orphans) in Bank A/c No.014894600000970, SCO 151-152,

Sector 9- C, Chandigarh or A/c No.100035657241 of IndusInd Bank,
Sector-54, Phase-II, Mohali Branch, by the petitioners.

November 22, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No